

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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WILSON CRESPO,

Plaintiff,

Case No. 2:14-cv-01850-JAD-NJK

## ORDER

(Stip Cont ENE – Dkt. #21)

**CITY OF NORTH LAS VEGAS,**

Defendant.

This matter is before the court on the parties' Second Stipulation for Extension of Time to Continue Early Neutral Evaluation (Dkt. #21) filed July 24, 2015.

The Complaint (Dkt. #1) in this matter was filed November 4, 2015. Defendant filed its Answer (Dkt. #8) March 12, 2015. On March 31, 2015, the undersigned set this matter for an Early Neutral Evaluation (“ENE”) for May 27, 2015. *See* Dkt. #11. On April 23, 2015, based upon the scheduling needs of the court, the ENE was continued for six days to June 2, 2015. *See* Dkt. #13. Also on April 23, 2015, Judge Koppe entered an Order (Dkt. #14) granting the parties’ proposed discovery plan and scheduling order which established a September 8, 2015 discovery cutoff.

On May 20, 2015, thirteen days before the scheduled ENE, the parties submitted a Stipulation to Continue ENE (Dkt. #15) as Plaintiff's counsel was scheduled for an en banc argument before the Nevada Supreme Court at the time of the ENE. The parties requested a date after July 1, 2015, to reschedule the ENE. The stipulation was granted in an Order (Dkt. #16) entered May 22, 2015, and the ENE was reset for August 6, 2015, at 1:30 p.m. Vacating the ENE left insufficient time for the court to schedule another ENE or settlement conference to fill that slot.

On July 9, 2015, the parties filed a Stipulation to Extend Discovery (Dkt. #18) by 90 days. In an Order (Dkt. #20) filed July 10, 2015, Judge Koppe found that good cause was not shown for the 90-day extension, but granted a 30-day extension of the discovery deadlines. The discovery cutoff was extended to October 8, 2015.

5 On July 24, 2015, thirteen days before the scheduled ENE, the parties filed Stipulation to  
6 Continue ENE (Second Request) (Dkt. #21), because Plaintiff is scheduled to be out of town on a  
7 long-planned and pre-paid vacation with his family at that time. Again, due to the late timing of  
8 the request the court is unable to fill this date on such short notice with another pending ENE.  
9 The ENE was re-set more than two months ago. No explanation is given why, if Plaintiff's  
10 vacation has been long-planned, the stipulation to continue the ENE a second time was just filed,  
11 thirteen days before the scheduled ENE.

Because of the number of ENE and scheduling conference referrals, ENEs are currently being scheduled in November 2015. Judge Koppe denied the parties request for a 90-day extension and imposed an October 8, 2015 discovery cutoff. The court's first available date for this ENE is long after the close of discovery. Under these circumstances the court will not reschedule the ENE a third time at the parties' request. The case will automatically be referred for a settlement conference when the joint pretrial order is filed.

18       **IT IS ORDERED** that the parties' Stipulation to Continue Early Neutral Evaluation  
19 Session (Dkt. #21) is **GRANTED** to the extent that the ENE scheduled for August 6, 2015, at  
20 1:30 p.m. is **VACATED**, and **DENIED** to the extent the parties request that it be reset in 90  
21 days.

22 DATED this 30th day of July, 2015.

Peggy A. Teer  
PEGGY A. TEER  
UNITED STATES MAGISTRATE JUDGE